

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DRFP, LLC, :
Plaintiff, :
v. : Case No. 2:04-cv-793
The Republica Bolivariana de Venezuela, et al., : JUDGE EDMUND A. SARGUS, JR.
Defendants. : Magistrate Judge Kemp

ORDER

In its Opinion and Order filed on August 20, 2015 (Doc. 593) the Court directed non-parties Pierce Cunningham and Venospa to supplement their privilege log. They have now done so. See Doc. 607. Venezuela contends that the supplement is inadequate. This matter was discussed during a telephone conference held on September 11, 2015. As a result of those discussions, the Court issues this order.

Three categories of the documents responsive to the subpoena need not be produced. They are "pure" attorney-client communications between Mr. Cunningham and his clients (i.e. those on which no other persons are copied or otherwise involved); communications solely about the status of the litigation; and communications about the possibility of, or concepts relating to, settlement. That should substantially reduce the number of documents in which Venezuela has an interest.

As to the balance of the documents, Mr. Cunningham shall submit them to the Court for an *in camera* review by September 23, 2015. If he is unable, despite due diligence, to submit all of the documents at that time, he shall submit as many as possible by that date, and submit the balance not later than September 28,

2015. The Court will review them both for potential identification of common legal interests and relevance.

Mr. Cunningham shall keep track of any additional expenditures of time and out-of-pocket costs in connection with this process. The Court continues to reserve a ruling on whether he is entitled to some reimbursement for the cost of responding to the subpoena.

/s/ Terence P. Kemp
United States Magistrate Judge